

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT FLEMING,

Defendant.

4:11CR3118

PRELIMINARY ORDER OF FORFEITURE

This matter comes on before the Court upon the United States' Motion for Issuance of Preliminary Order of Forfeiture. The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. The Defendant has entered into a Plea Agreement (Filing No. 53) whereby he has agreed to plead guilty to Count I and the Forfeiture Allegation of the Indictment filed herein. Count I charged the Defendant with the receipt and distribution of child pornography, in violation of 18 U.S.C. § 2252A(a)(2) and (B). The Forfeiture Allegation sought the forfeiture, pursuant to 18 U.S.C. § 2253, of the following properties on the basis they were used or were intended to be used to facilitate said violation.

- a. One Dell Inspiron laptop, model PP23LA, serial number 45NQND1, with business card taped to the top for "Habib Murshed," Evidence Barcode E03961796;
- b. One Toshiba 160Gb SATA hard drive, model MK1637GSX serial number 87HCT5X9T;
- c. One imitation recordable Compact disc (CD-R) labeled "Fetish, 6-4" in blue plastic slimline case;

- d. One Sony Digital Versatile Disc (DVD) labeled “1) Music Videos, 2) Pics, 3) Stories, 4) story and other items, 5) Young girls, 6-3” in paper sleeve;
- e. One imation CD-R in pink slimline case labeled “short xxx movies, 6-1;”
- f. One imation CD-R in clear slimline case labeled “short xxx movies, 6-2;”
- g. One imation CD-R in blue slimline case labeled “short xxx movies, 6-5;”
- h. One imation CD-R in pink slimline case labeled “pics, short xxx movies, 6-6;”
- i. One imation CD-R in clear slimline case labeled “short xxx movies, 6-7;”
- j. One Maxell DVD+RW in paper sleeve labeled “short videos, pics, pics of me, 8-1;”
- k. One Maxell DVD+R in paper sleeve labeled “need to burn2, 8-2;”
- l. One Maxell DVD+R in paper sleeve labeled “Ares, 8-3;”
- m. One Sony DVD+R in paper sleeve labeled “ 1) Asian, 2) Rape, 3) Music, 8-4;”
- n. One Sony DVD+R in paper sleeve labeled “My stuff folder, 8-5;”
- o. One Sony CD-R in paper sleeve labeled “8-7;” and
- p. One Sony CD-R in paper sleeve labeled “8-8.”

2. By virtue of said guilty plea, the Defendant forfeits his interest in the above-described properties, and the United States should be entitled to possession of said properties, pursuant to 18 U.S.C. § 2253.

3. The United States' Motion for Issuance of Preliminary Order of Forfeiture should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. The United States' Motion for Issuance of Preliminary Order of Forfeiture is hereby sustained.

B. Based upon the Forfeiture Allegation of the Indictment and the Defendant's plea of guilty, the United States is hereby authorized to seize the following properties:

1. One Dell Inspiron laptop, model PP23LA, serial number 45NQND1, with business card taped to the top for "Habib Murshed," Evidence Barcode E03961796;
2. One Toshiba 160Gb SATA hard drive, model MK1637GSX serial number 87HCT5X9T;
3. One imation recordable Compact disc (CD-R) labeled "Fetish, 6-4" in blue plastic slimline case;
4. One Sony Digital Versatile Disc (DVD) labeled "1) Music Videos, 2) Pics, 3) Stories, 4) story and other items, 5) Young girls, 6-3" in paper sleeve;
5. One imation CD-R in pink slimline case labeled "short xxx movies, 6-1;"
6. One imation CD-R in clear slimline case labeled "short xxx movies, 6-2;"
7. One imation CD-R in blue slimline case labeled "short xxx movies, 6-5;"
8. One imation CD-R in pink slimline case labeled "pics, short xxx movies, 6-6;"
9. One imation CD-R in clear slimline case labeled "short xxx movies, 6-7;"
10. One Maxell DVD+RW in paper sleeve labeled "short videos, pics, pics

of me, 8-1;”

11. One Maxell DVD+R in paper sleeve labeled “need to burn2, 8-2;”
12. One Maxell DVD+R in paper sleeve labeled “Ares, 8-3;”
13. One Sony DVD+R in paper sleeve labeled “ 1) Asian, 2) Rape, 3) Music, 8-4;”
14. One Sony DVD+R in paper sleeve labeled “My stuff folder, 8-5;”
15. One Sony CD-R in paper sleeve labeled “8-7;” and
16. One Sony CD-R in paper sleeve labeled “8-8.”

C. The Defendant’s interest in said properties is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 18 U.S.C. § 2253.

D. The aforementioned properties is to be held by the United States in its secure custody and control.

E. Pursuant to 18 U.S.C. § 2253, the United States forthwith shall publish for at least thirty consecutive days on an official Government internet site, www.forfeiture.gov, notice of this Order, Notice of Publication evidencing the United States’ intent to dispose of the properties in such manner as the Attorney General may direct, and notice that any person, other than the Defendant, having or claiming a legal interest in any of the subject properties must file a Petition with the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

F. Said published notice shall state the Petition referred to in Paragraph E, above, shall be for a hearing to adjudicate the validity of the Petitioner’s alleged interest in the properties, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent

of the Petitioner's right, title or interest in the subject properties and any additional facts supporting the Petitioner's claim and the relief sought.

G. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the properties subject to this Order as a substitute for published notice as to those persons so notified.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 18 U.S.C. § 2253, in which all interests will be addressed.

ORDERED this 13th day of November, 2012.

BY THE COURT:

Richard G. Kopf
Senior Judge
United States District Court